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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,034	01/22/2004	Markus Steckhan	IF-F25	8268
7590	10/19/2005		EXAMINER	
Margaret Polson Patent Law Offices of Rick Martin, P.C. 416 Coffman Street Longmont, CO 80501			PAHNG, JASON Y	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/763,034	<b>Applicant(s)</b> STECKHAN, MARKUS	
	<b>Examiner</b> Jason Y. Pahng	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 12-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/4/2004</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I, claims 1-11, in the reply filed on August 29, 2005 is acknowledged. The traversal is on the ground(s) that claim 1 of Group I and claim 12 of Group II recite the same structure. This is not found persuasive. For example, the structure of claim 12 requires the coffee bean container to be removably mounted whereas claim 1 does not require this feature. Also, claim 12 requires a coffee bean container comprising an output shaft whereas claim 1 does not require this feature.

The requirement is still deemed proper and is therefore made FINAL.

During a telephone conversation with the attorney of record, Margaret Polson, on October 12, 2005, a provisional election was made with traverse to prosecute the invention of Species IA, claim 3 and generic claims 1 and 4-11. Affirmation of this election must be made by applicant in replying to this Office action. Species IB, claim 2, is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Objections***

Claim 3 is objected to because of the following informalities:

The phrases, "of coffee beans" (line 3) and "the outputs the compartments" (line 6), appear to be grammatically incorrect. Appropriate correction is required.

Claims 9-11 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The recited automatic coffee maker is not a subject matter of a previous claim.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There are numerous errors regarding antecedent basis. The entire claims should be reviewed and corrected. For example, with regard to claim 1, are the compartments in line 3 the same compartments as in line 2? Also, are the compartments in line 4 the same compartments as in line 2? Additionally, is the output in line 7 the same output as in line 3? Furthermore, is the compartment in line 7 the same compartment as in line 2?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-6, as well as can be understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Whitney (US 6,339,985).

With regard to claim 1, Whitney discloses a coffee grinder with substantially all of the claimed structure including:

1. a coffee bean container (100) having at least two compartments (104);
2. each compartments having an output (Figure 30);
3. a bottom-side output shaft (Figure 30) common to both compartments and connected to the outputs;
4. a grinding mill (10) disposed beneath the output shaft; and
5. a closure element (76-79) forms with the grinding mill (10) a single unit (Figure 24); and
6. the coffee bean container (100) is disposed rotatably (column 11, line 45).

With regard to claim 3, Whitney discloses a closure element (76-79, Figure 25) disposed beneath a guide element (70, Figures 21 and 24). The contour of the closure element (76-79) is adapted to the underside of the guide element (70).

With regard to claim 4, Whitney discloses a closure element (76-79) connected form-fittingly with the grinding mill (10). The closure element is relative to the rotatability of the coffee bean container (100).

With regard to claim 5, Whitney discloses a closure element (76-79) comprising a radially projecting toe (Figure 25) to engage a seating (where the toes seat) of the grinding mill (10). See the passage (33, column 10, lines 45-49) of the grinding mill (10) in Figure 12.

With regard to claim 6, Whitney discloses a coffee bean container (100) comprising an encircling collar encompassing an output shaft (Figure 30). The portion of the coffee bean container (100) encircling the output shaft is the collar.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitney (US 6,339,985) in view of Schmidt (US 4,759,274).

Claims 7 and 8 call for a bayonet lock connection for the coffee bean container. In a closely related art, Schmidt discloses a coffee maker with a coffee container connected by a bayonet lock in order to connect the container with a single rotation. Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to provide Whitney with a bayonet lock connection for the coffee bean container in order to connect the container with a single rotation, as taught by Schmidt.

With regard to claims 9-11, Whitney discloses a coffee grinder to be mounted in an automatic coffee maker (Figure 1).

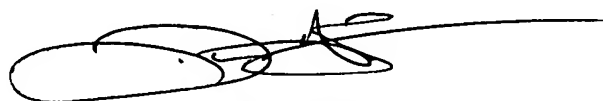
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:00 AM - 7:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYP



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